

Article X, Section 3(d) of the IBT constitution provides the following, in relevant part:

Effective July 1, 2002, the current rate of dues for all members whose hourly earnings rate is more than \$11.00 shall be adjusted, based upon the hourly earnings rate or hourly flight pay at base rate or monthly guarantee in effect on that date, as follows:

(i) dues for members employed in an industry in which there is a legal right to strike, other than members employed as flight attendants or pilots in the airline industry, shall be increased by one-half times the hourly earnings rate; thereby establishing a minimum dues rate of two and one-half times the hourly earnings rate;

* * *

The hourly earnings are the hourly wage rate plus lump sum payments where such payments are in lieu of hourly wage increases and commissions where applicable, exclusive of overtime, premium pay, or fringe benefits. When calculating the rate of monthly dues based upon the formula set forth above, the hourly earnings shall be multiplied and rounded to the nearest whole dollar.

Pursuant to this constitutional formula, Allen's monthly dues should be \$55.00, instead of the \$30.00 he is assessed monthly. However, the International Union has issued extensive guidelines to its local unions permitting, under particular circumstances, the local unions to calculate their members' monthly dues obligations by averaging the hourly wages of the members employed in particular job classifications by particular employers.

Whether the local union properly calculated Allen's dues is beyond the scope of this protest. It is, however, well-established that a member on dues check-off retains his good standing even if his dues were remitted late or not at all, provided he gave a check-off authorization and had sufficient earnings in the month from which dues could have been deducted. IBT Constitution, Article X, Section 5(c); *Dunn*, E9 (October 31, 1995); *Reynozo*, 2005 ESD 18 (October 25, 2005); *aff'd*, 06 EAM 05 (January 4, 2006). Extending this principle, a member on check-off whose dues remittance is less than the constitutionally required amount nonetheless retains his good standing, provided he had sufficient earnings to fund the properly calculated dues amount. The member's check-off authorization directs the employer to remit to the local union the full amount of his dues; if the local union miscalculates that amount, the member is not to suffer the prejudice of that miscalculation in the form of a declaration of ineligibility because the member has done all that is necessary to authorize remittance of the correct dues amount.

Accordingly, we DENY the protest and find Allen ELIGIBLE to run for delegate to the 2006 IBT convention.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The

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parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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